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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of

KUGLER et al.

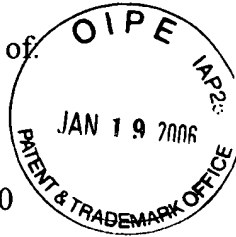
Serial No.: 10/646,090

Filed: August 22, 2003

Atty. File No.: 1164-16-CIP-1

For: NON-THREADED APPARATUS
FOR SELECTIVELY ADJUSTING
THE ELEVATION OF A BUILDING
SURFACE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

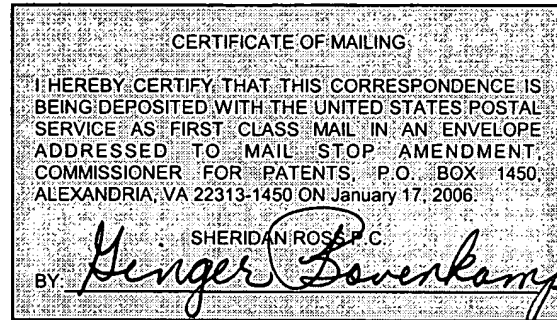


Group Art Unit: 3637

Confirmation No.: 9600

Examiner: A, PHI DIEU TRAN

ELECTION OF CLAIMS



Dear Sir:

In an Office Action dated December 15, 2005, the Examiner issued a Restriction Requirement with regard to the above-identified patent application. Generally, the Examiner indicated that the claims include two distinct inventions comprising Claims 1-20 and Claims 21-25. The examiner has also indicated that embodiments of the invention depicted in Figs. 2 & 6 are patentably distinct species of the claimed invention. Applicants hereby elect with traverse to prosecute Claims 1-20 in this patent application, but reserve the right to pursue all non-elected claims in a subsequent divisional/continuation application. No fees are believed due for this reply since it has been submitted prior to the expiration of the one-month period of reply of January 17, 2006 (January 15, 2006 being a Sunday and January 16, 2006 being a Federal holiday). However, the Examiner is authorized to debit Deposit Account No. 19-1970 if necessary.

The Examiner has asserted that two distinct inventions are present in the claims, thus requiring an election. "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." MPEP §803. Applicants respectfully assert that no serious

burden exists such that an examination of Claims 21-25 must be performed. More specifically, the product and process claims have been placed in the same class by the Examiner, namely class 52, thereby indicating that the search related to the product and product of use will necessarily overlap.

Examiner also asks for an identification of species, i.e. a listing of all claims readable on Figs. 2 & 6. Applicants respectfully point out that Figs. 2 & 6 are substantially identical, the only difference being that Fig. 6 shows building materials positioned on the pedestal. Thus Claims 1-20 read on Figs. 2 & 6. If there are any questions regarding the foregoing, the Examiner is asked to contact the undersigned.

Respectfully submitted,

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By: 

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Date: January 17, 2006